

## **REMARKS**

Please reconsider the present application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering the present application.

### **I. Disposition of Claims**

Claims 1-18 were pending in the present application. By way of the Response to the Restriction Requirement of May 13, 2003, claims 9-18 were elected for continued prosecution without traverse and claims 1-8 were withdrawn from consideration. Accordingly, claims 9-18 are currently pending in the present application. By way of this reply, claims 9, 10, and 13-18 have been amended.

### **II. Information Disclosure Statement**

Japanese Reference No. 58-103531 contained in the Information Disclosure Statement of July 21, 2001 was not considered for lacking an English translation. By way of this reply, Applicant has submitted for consideration, as part of an Information Disclosure Statement, U.S. Patent No. 4,426,253, which is a priority document and equivalent to Japanese Reference No. 58-103531. The appropriate fee under 37 CFR 1.17(p) is also enclosed. Accordingly, consideration of the reference cited in the enclosed Information Disclosure Statement is respectfully requested.

### **III. Claim Amendments**

Claims 9, 10, and 15-18 have been amended to remove instances of the term

“desired.” No new matter has been added by way of these amendments.

Further, claims 9, 10, 13-15, and 17 have been amended to correct minor punctuational informalities. No new matter has been added by way of these amendments.

#### **IV. Rejection(s) Under 35 U.S.C. § 112**

Claims 9, 10, and 15-18 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the instances of the term “desired” in claims 9, 10, and 15-18 were indicated as being indefinite. Accordingly, by way of this reply, instances of the term “desired” have been removed from claims 9, 10, and 15-18. Therefore, withdrawal of the §112 rejections is respectfully requested.

#### **V. Rejection(s) Under 35 U.S.C § 103**

Claims 9-18 of the present application were rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant’s Admitted Prior Art in view of U.S. Patent No. 6,218,022 issued to Suzuki et al. (hereinafter “Suzuki”) and U.S. Patent No. 6,233,821 issued to Takahashi et al. (hereinafter “Takahashi”). However, at least for the following reasons, this rejection is improper.

Takahashi issued on May 22, 2001. The present application was filed on July 12, 2001. Thus, Takahashi, a U.S. Patent, is prior art to the present application under 35 U.S.C. 102(e)(2). Therefore, because (i) Takahashi is prior art to the present application under 35 U.S.C. 102(e) and (ii) both Takahashi and the present application are assigned to Sony Chemicals Corp., Takahashi cannot be used in an obviousness rejection under 35

U.S.C. § 103(c) (as amended by the AIPA and applicable to all applications filed on or after November 29, 1999). Accordingly, the use of Takahashi in an obviousness rejection of the claims of the present application is improper and withdrawal of the rejections of claims 9-18 is respectfully requested.

## VI. Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 03310.018001).

Respectfully submitted,

Date: 3/5/04

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